

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ NOV 15 2006 ★

DEONE MARIA KALPHAT,

Plaintiff,

-v-

BROOKLYN OFFICE
MEMORANDUM
AND ORDER
06-CV-3728 (BMC)

105TH PRECINCT, EMERGENCY SQUAD UNIT,

Defendant.

COGAN, United States District Judge.

On July 21, 2006, plaintiff Deone Kalphat filed this *pro se* action alleging that her Fourth Amendment rights were violated. By Order dated August 21, 2006, the Court dismissed the claims against the 105th Precinct because it lacks independent legal existence and cannot be sued under 42 U.S.C. § 1983. The Court directed plaintiff to file an amended complaint to provide, *inter alia*, the date of the incident and to name the proper defendants within thirty (30) days of the entry of the Order. Plaintiff has failed to respond to the Court's August 21, 2006 Order.

In an abundance of caution, the Court grants plaintiff an additional thirty (30) days from the entry of this Order to file an amended complaint. Plaintiff is once again directed to specify the date and location of the events giving rise to her civil rights claim and to identify, as best she can, the individual defendant(s) who were personally involved in the events that she claims violated her rights. If plaintiff does not know the true identity of an individual defendant, she must provide as much detail as possible, including a physical description of each defendant, whether the defendant was a man or a woman, what position or job each defendant held and place of employment, so that each defendant may be identified. Plaintiff shall refer to any

unidentified defendant as John or Jane Doe. Plaintiff shall also name the defendants in the caption of her amended complaint. Finally, plaintiff is again directed to also provide a detailed description of the personal property that was allegedly destroyed by the defendants and whether she has pursued any legal remedies based on the same events in state court.

Plaintiff is advised that any amended complaint she files will completely replace the original complaint. The amended complaint must be captioned as an "Amended Complaint" and bear the same docket number of this Order. No summons shall issue at this time and all further proceedings shall be stayed for thirty (30) days for plaintiff to comply with this Order. If plaintiff fails to amend her complaint within thirty (30) days as directed by this Order, the Court shall dismiss this complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s/(BMC)

BRIAN M. COGAN
United States District Judge

Dated: Brooklyn, New York
Nov 14, 2006